

UNITED STATES DISTRICT  
COURT

**MEMO ENDORSED**

SOUTHERN DISTRICT OF NEW  
YORK

-----X                      Docket No: 21-cv-04050-KMK  
Ariel Dan Barkai                      :  
  
Plaintiff,                      :  
  
- against -                      :  
  
George Mendez , et al.                      :  
  
Defendants                      :  
  
-----X

**MOTION TO SUBMIT EVIDENCE**

Ariel Barkai  
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10960  
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**INTRODUCTION**

In the above titled action, Defendants did so submit to this Court a recording of the call between Plaintiff and Defendant Laschet that occurred on 4.28.2020. There is another recording of this event that Plaintiff believes, in the interest of fairness, as Defense has submitted recorded evidence and already made the legal argument why it should be admissible Plaintiff will simply acknowledge Defendants argument and request it apply equally to Plaintiff.

## REQUEST

On 28 April 2020, when Defendant Mendez pulled over Plaintiff Barkai in the Taco Bell parking lot, Plaintiff recorded the exchange on his hand held recording device. Plaintiff believes it is only fair that this Court hear the exchange not just for its content but its tone. Clearly something transpired between the initial exchange, when Mendez approached Barkai with in less than 6 feet and when Barkai called CPD HQ and ultimately spoke to Laschet that so quickly and precipitously altered Barkai's already fragile mental state (which can be fragile without be suicidal as any mental health professional will testify – after all I was still deeply in mourning from the loss of his mother and dealing with the additional stressed of the onset of a global pandemic) and turned his demeanor from one of undergoing a routine traffic stop to a person who was extremely pissed off quite frankly and that something, of course, as stated, was the simple fact that George Mendez was not wearing a mask. This inexcusable act of public health nuisance clearly was the triggering event and this recording will highlight that fact (the proverbial 'before and after').

Accordingly Plaintiff hereby moves to request permission to submit said recording to this Court and Defendants in above titled action.

**I request that This Court please approve this motion and accept this newly titled amended complaint.**

Dated: Upper Nyack, New York  
13 January 2022

By: /S/ Ariel Barkai

Cc: All parties via ECF

**The Motion to Submit Evidence is granted.**

**Date: 2/8/2022**

**SO ORDERED**

  
**KENNETH M. KARAS U.S.D.J.**